HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. No. 298 / 06 (S/S)
Shiv Prasad Sati and others
Vs
State and others.

Approved for reporting.

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~~Not approved for reporting~~

Date of decision 07.03.2006

Initial of Judge

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
WRIT PETITION NO. 298 (SS) OF 2006

1. Shiv Prasad Sati,
S/o Shri Chandramani Sati,
R/o Village Devasthan, Post Office Pokhari,
Tehsil Pokhari, District Chamoli.
2. Jagat Ram,
S/o Shri Sipalu Lal,
R/o Village Sankari, Post Office Sisula,
Tehsil Pokhari, District Chamoli.
3. Avtar Singh,
S/o Shri Maan Singh,
R/o Village Tonzi, Post Office Salna,
Tehsil Pokhari, District Chamoli.
4. Girish Prasad,
S/o Shri Mansa Ram,
R/o Village Devasthan, Post Office Pokhari,
Tehsil Pokhari District Chamoli.
5. Vivekanand,
S/o Shri Laxmi Prasad,
R/o Village Kimoda, Post Office Raduwa,
Tehsil Pokhari, District Chamoli.
6. Sukhdev Singh,
S/o Shri Kundan Singh,
R/o Village Khal, Post Office Khal,
Tehsil Pokhari, District Chamoli.
7. Jaikrit Singh,
S/o Shri Kundna Singh,
R/o Village Toli, Post Office Kweethi,
Tehsil Pokhari, District Chamoli.
8. Tajwar Singh,
S/o Shri Uchchav Singh,
R/o Village Sarna, Post Office Sarna,
Tehsil Pokhari, District Chamoli.
9. Km. Manju,
D/o late Sri Basudev Prasad,
R/o Village Pokhari, Post Office Pokhari,
Tehsil Pokhari, District Chamoli.
10. Smt. Sunita Devi,
W/o Shri Devendra Singh Parmar,
R/o Village Dungar, Post Office Raduwa,
Tehsil Pokhari, District Chamoli.
11. Km. Pankaj,
D/o Shri Dayal Singh Butola,
R/o Village Chaundi, Post Office Chaundi,
Tehsil Pokhari, District Chamoli.

.....Petitioners.

Versus

1. State of Uttaranchal through Secretary, Education, Uttaranchal, Dehradun.
2. District Basic Education Officer, Chamoli.
3. Block Education Officer, Pokhari, Chamoli.
4. Deputy Block Education Officer, Pokhari, District Chamoli.

.....Respondents.

Sri R.P. Nautiyal, Advocate for the petitioners.
Learned Standing Counsel for the respondents.

Dated : 07.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioners have prayed for a writ of Mandamus commanding the respondent authorities not to make any hindrance in completion of one month training by the petitioners from District Education and Training Institute, Gauchar, District Chamoli as well as in appointment of petitioners as "Shiksha Mitra" in their respective place of posting.

Brief facts giving rise to the present writ petition are that in pursuance of the advertisement for appointment of Shiksha Mitra on 27th January, 2001 and 26th August, 2005, the petitioners were selected and on 3rd January, 2006 Block Education Officer issued appointment orders to the petitioners by which the petitioners were directed to join as Shiksha Mitra in their respective place of postings after completing the training of one month in District Education and Training Institute Gauchar, District Chamoli w.e.f. 15.02.1996 to 15.03.1996. The petitioners joined the District Education and Training Institute and the training is likely to be completed. However, the petitioners have been asked to return back. They approached the Deputy Block Education Officer. The Deputy Block Education Officer, Pokhari, District Chamoli wrote a letter to the Principal, District Education and Training Institute, Gauchar asking as to why the petitioners have been removed

from the training. The said direction dated 4th March, 2006 is quoted below:-

"egksn;]

mlk;qZDr fo"k;d ds lEca/k esa {ks= iks[kjh ds 14 f'k{kk fe=ksa dk p;u fu;ekuqlkj fd;k x;k Fkk] mlesa ls dq0 lfjrk dk Hkh p;u dj fn;k x;k FkkA ewy fuokl izek.k&i= 5 o"kZ igys dk Fkk] mls laLFkku ls okil fd;k x;kA 'ks"k 13 f'k{kk fe=ksa dks fdl vk/kkj ij okil fd;k tk jgk gS] ftyk iapk;r v/;{k dks Hkh ftykf/kdkjh] peksyh] {ks= iks[kjh ds 14 dh lwph nh tk pqdh gSaSA

vr% blds ckn 13 dks laLFkku ls okil D;ksa fd;k tk jgk gS] tcfd iwOkZ esa Hkh bldh tkudkjh nh tk pqdh gSaA vkils vis{kk gS fd 13 f'k{kk&fe= laLFkku izf'k{k.k izkIr djsaxs] eq>s vij ftyk f'k{kk vf/kdkjh] peksyh }kjk crk;k x;k gS fd budk osru Hkh fudkyk tkuk gSaA"

In view of the above, the respondents are directed to pass appropriate order on the letter of the Deputy Block Education Officer dated 4th March, 2006. However, the petitioners shall also represent the authority concerned along with the recommendation dated 4th March, 2006 and the respondent authorities shall pass suitable orders showing cause as to why the training has not been fulfilled in pursuance of the appointment letters issued in favour of the petitioners Subject to any order passed by the authorities, the respondents are directed to permit the petitioners to complete the training and to abide by the appointment letters dated 3rd February, 2006. However, in the meantime, the petitioners shall continue their training as per appointment letters.

Subject to the aforesaid observations, writ petition is disposed of. No order as to costs.

Copy of the order to be given today.

(Rajesh Tandon, J.)

07.03.2006
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